

COUNTY OF LINCOLN

New Mexico Regular Meeting Board of County Commissioners

Preston Stone, Chair
Dallas Draper, Vice Chair

Thomas F. Stewart, Member
Elaine Allen, Member
Lynn Willard, Member

Minutes Tuesday, October 20, 2015

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on October 20, 2015 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New Mexico.

1. Call to Order

Chair Stone called the Regular Meeting of the Board of County Commissioners to order at 8:30:01 AM.

2. Roll Call

Roll Call

Present: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Others present included Nita Taylor, County Manager; Alan Morel, County Attorney; and Rhonda Burrows, County Clerk.

3. Invocation

The invocation was presented by Commissioner Draper.

4. Pledge of Allegiance

- a. Pledge – US Flag
- b. Salute – NM Flag

5. Approval of Agenda

Motion: Acceptance of the Agenda and authorized the Chair to move items as necessary,

Action: Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

6. Approval of Minutes

- a. July 27, 2015 Special Commission Meeting Amended
- b. September 8, 2015 Special Commission Meeting
- c. September 15, 2015 Regular Commission Meeting

Motion: Approve the minutes of the July 27, 2015 Special Commission Meeting as amended; September 8, 2015 Special Commission Meeting; and the September 15, 2015 Regular Commission Meeting. **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Chair Stone, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Absent for vote: Commissioner Stewart

7. Approval of Consent Agenda

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending September 30, 2015

- c. Annual Renewal MOU between the Village of Ruidoso and County of Lincoln as the Administrative Authority for Lincoln County Sheriff's Office for DWI Enforcement Activities and Reimbursement Cost
- d. Volunteer Firefighters Adjusted Qualifications-Hondo Fire Department
- e. Lincoln County Cooperative Weed Management Area Agreement

Motion: Approval of Consent items as presented, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

SEE EXHIBIT A: Copies of Consent Items are attached hereto in reference thereto made a part hereof.

8. Fort Stanton Veteran's Cemetery Update

Nita Taylor, County Manager reminded the U.S. Department of Veterans Affairs recently approved funding for a new National Veterans Cemetery at four locations in the State of New Mexico including Fort Stanton. Ms. Taylor stated the Governor had pledged New Mexico State matching funds and a ground breaking ceremony at Fort Stanton was set for Veterans Day on November 11, 2015.

Larry Holt, speaking as the Volunteer Coordinator and key County contact with the NM Department of Veterans Services for Fort Stanton Cemetery, stated he had served as a volunteer and worked towards this goal for almost 17 years. Mr. Holt reminded the four locations of Fort Stanton, Gallup, Carlsbad and Angel Fire were selected to provide an honorable resting place for veterans and their dependents. Mr. Holt stated the initiative to bring a National Veteran's Cemetery to Fort Stanton began in 2000. Mr. Holt expressed his appreciation for support received from the County, municipalities, local businesses and many other local organizations.

Mr. Holt reminded the current cemetery was established 117 years ago as a U.S. Public Health Service Hospital Cemetery and operated under federal jurisdiction until 1953 when the Public Health Service transferred ownership of Fort Stanton and the cemetery to the State of New Mexico. Mr. Holt stated currently burials in the cemetery averaged approximately 18 burials per year. Mr. Holt anticipated the new expansion would increase annual burials to approximately 100 per year.

Mr. Holt stated necessary improvements included replacement of the water tank, creation of a new road to the new area, and a new pipeline to connect the new water tank to the cemetery. Mr. Holt stated funds were in place for these major improvements.

Mr. Holt remarked on the appropriateness of the groundbreaking ceremony being held on Veterans Day on the eleventh day of the eleventh month on the eleventh hour, the anniversary of the Armistice of 1918. Mr. Holt stated Governor Susanna Martinez would deliver the key note address with various New Mexico Cabinet Secretaries, a representative from Veteran's Affairs in Washington, and representation from the New Mexico National Guard in attendance.

Chair Stone accepted the invitation from Mr. Holt for a member of the County Commission to introduce speakers for the event and designated Commissioner Stewart as the highest ranking veteran on the Board of Commissioners to complete that honor. Chair Stone expressed belief the designation of Fort Stanton as a National Cemetery was a great honor for Lincoln County.

9. Recognition and Memorialization of Johnson Stevenson Stearns, Lincoln County Pioneer

Ms. Taylor informed lifetime Lincoln County resident, pioneer, businessman, historian, friend and neighbor Johnson Stearns passed away on October 10, 2015 at the age of 98. Ms. Taylor stated the County wished to memorialize Mr. Stearns but would defer recognition until family members were present.

10. Recognition from State Fire Marshal to Corona, Hondo and Nogal Volunteer Fire Stations for Improved ISO Rating

Ms. Taylor informed the State Fire Marshal had recognized the Corona, Hondo and Nogal Fire Stations for improving their Insurance Service Survey (ISO) ratings. Ms. Taylor stated improved ratings reflected successful advancement of firefighting capabilities resulting in increased service

to the communities served. Ms. Taylor stated the fire departments were assisted by the Lincoln County Office of Emergency Services (OES).

Joe Kenmore, Director of OES and Spencer Baldwin, OES Emergency Coordinator and Fire Marshal presented plaques recognizing the achievement of reduced ISO ratings for the three fire departments.

Mr. Baldwin informed Hondo improved their ISO rating from a class 8 to a class 6 and reminded the lower the rating number the better equipped the department was to handle structure fires. Mr. Baldwin stated ISO rating reviews generally take place every three to five years but had not occurred in Lincoln County since 1998. Mr. Baldwin reported the Corona Fire Department improved their ISO rating from a class 7 to 5 and the Nogal Fire Department improved from a 9 to 6. Mr. Baldwin informed the ISO rating for the Lincoln Fire Department of 7 was unchanged due to challenges with the water system in Fort Stanton but anticipated improvement once that issue was resolved. Mr. Baldwin stated Arabella and Bonito Fire Departments also had ISO reviews and those results were pending. Mr. Baldwin commended the departments for their hard work to improve these ratings which in turn helped reduce insurance rates.

11. Forest, Land & Natural Resources Matters:

a) Smokey Bear Ranger District

David Warnack, District Ranger discussed the Forest Plan Revision and informed two public meetings were scheduled for November in Ruidoso on November 3, 2015 and in Carrizozo on November 5, 2015. Ranger Warnack expressed belief the meeting in Carrizozo would offer comment opportunities to a broader group of land users such as grazing permittees, outfitters and guides, utility providers, recreational users and others who utilize Forest Service lands.

Ranger Warnack provided an update on the Grindstone Mesa Timber project explaining the area was identified as a high priority area for fire protection thinning and watershed protection for the Village of Ruidoso. Ranger Warnack stated the treatment area included 156 acres with 70 acres currently complete. Ranger Warnack discussed the harvesting and sale of certain timber by the private contractor.

Ranger Warnack informed this was his last report to the Lincoln County Commission due to a transfer to Oregon. Ranger Warnack thanked the Commissioners for their support and cooperation. Ranger Warnack expressed belief public lands were the legacy of the United States and commented on the importance of continued collaboration between Lincoln County, the State of New Mexico and the US Forest Service.

Chair Stone extended his deepest appreciation for the service of Ranger Warnack on the Smokey Bear Ranger District. Chair Stone commented on the County's cooperative work with Ranger Warnack during the Little Bear Fire which was one of the most catastrophic events in the County's history.

Commissioner Draper and Commissioner Stewart also extended their appreciation and best wishes.

Nita Taylor, County Manager reminded Ranger Warnack of his prior commitment to research available USFS funding to assist with the paving of Cora Dutton Road. Ranger Warnack stated he would either provide the information or assign someone to research the possibility.

b) Cibola National Forest

Ms. Taylor reported on attendance at the landscape meeting in Albuquerque for the Cibola National Forest's Plan Revision. Ms. Taylor noted 1,021 comments were submitted concerning the Forest Plan Revision on the website created for that purpose. Ms. Taylor reviewed the calendar of events for the process.

c) Community Forester

Rick Merrick, with South Central Mountain Resource Conservation and Development discussed the upcoming combined Eastern New Mexico University Speaker Series and Forest Plan Revision community meeting on November 3, 2015.

Mr. Merrick reported installation of the new electronic signage acquired through private donations at the Smokey Bear Ranger District office in Ruidoso was complete.

Mr. Merrick discussed the upcoming New Mexico Prescribe Burn Council Workshop scheduled for October 29, 2015 at the Lincoln County Fairgrounds in Capitan. Mr. Merrick also reminded of the Sacramento Mountain Wood Industry Summit set for March 30 – 31, 2016 at the Ruidoso Convention Center.

Mr. Merrick reported the private contractor awarded the work on the White Oaks area Collaborative Forest Restoration Program (CFRP) grant would commence year two of actions including a 100 acre dozer push and 24 acres of mastication.

Mr. Merrick stated a new state wide CFRP modeled after the Ruidoso CFRP would bring in volunteers and assisting agencies for prescribed burns in the Mountainair, Sacramento, Sandia, and Carson Ranger Districts.

Commissioner Draper stated the President of the Mescalero Apache Tribe had discussed a possible renovation and reopening of the Mescalero sawmill.

d) Office of State Engineer-Water Issues

Ms. Taylor reported one new posting on the Sate Engineer's website:

Cheryl Knobel H-505-PODS for Alpine Village Sanitation District: Permit to change point of diversion by ceasing the use of well Number H-505-5-2 and to drill a new well for the diversion of 11.7 acre feet per annum for domestic and sanitary purposes. Move from and move to points of diversion and place of use are 2.5 miles northwest of the Village of Ruidoso.

Ms. Taylor reminded Attorney Kelly Cassels was representing Lincoln County and several other clients in complaints regarding transfer of water rights from the Hondo Valley to the Village of Ruidoso. Ms. Taylor stated Mr. Cassels recently requested a meeting with the Office of the State Engineer but no date was set as yet.

12. Lincoln County Detention Center Update – Warden Anderson

Ms. Taylor stated Warden Anderson was unavailable to attend the meeting. Ms. Taylor reported she was working with Warden Anderson and Emerald Correctional on the First Amendment for the Detention Center Management Agreement. Ms. Taylor also reported an architect reviewed the current medical space at the Detention Center and would provide an estimate of costs for the design and remodel of those facilities. Ms. Taylor reminded the County received State Capital Outlay funding to assist with design and remodel costs.

Ms. Taylor stated Warden Anderson provided data regarding the detention center population including totals of 1,212 year to date total bookings; 1,196 releases and an average daily population of 120.

13. Approval of the First Amendment to County Detention Center Operations and Management Agreement by and between Emerald Correctional Management, LLC and Lincoln County

Ms. Taylor stated the County of Lincoln and Emerald Correctional Management LLC. entered into a five year agreement in May of 2013. Ms. Taylor stated at that time the County had a separate agreement with another provider for counseling and mental health services for detainees. Ms. Taylor stated prior to termination of that counseling and mental health services agreement it was determined the mental health services were better served via a contract between Emerald Corrections and the mental health provider. Ms. Taylor stated the County would offset the costs to Emerald through an amendment to the existing agreement.

Ms. Taylor stated the First Amendment presented today for approval would define minimal mental health services to be provided and proposed reimbursement rates for mental health services to Emerald. Ms. Taylor stated originally the amendment contained a monthly reimbursement cap of \$18,200. Ms. Taylor stated after further discussion the language was refined to authorize monthly reimbursement not to exceed \$18,200 without prior authorization from Lincoln County.

Motion: Authorize the Manager and County Attorney to complete negotiation of a contract between the County of Lincoln and Emerald Correctional Management LLC., not to exceed \$18,200 per month adequate to meet detainee needs; **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

Commissioner Draper questioned when the changes would become effective.

Ms. Taylor stated services had already commenced with the prior mental health services agreement terminating June 30, 2015 and services commencing July 1, 2015. Ms. Taylor stated the parties had been working on the revision of the long term contract.

Commissioner Stewart suggested reimbursement of the mental health services be dedicated from the Indigent Health Care funds.

Ms. Taylor confirmed this was the planned source of revenue for these services.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

17. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS

Commissioner Draper stated he and Commissioner Allen attended a recent meeting of the Southeastern New Mexico Economic Development District (SNMEDD). Commissioner Draper reported the State was now providing some financial assistance to small entities to facilitate audit requirements. Commissioner Draper reminded of the Nogal Water Associations' prior financial burden resulting from the multiple requirements for audits associated with Capital Outlay funding. Commissioner Draper further reported the County's SNMEDD dues would increase in the upcoming fiscal year but expressed belief the dues were well worth the services provided.

Commissioner Stewart reported on his continued participation in the Joint Land Use Study (JLUS) meetings and reminded the Department of Defense had allocated funding for implementation.

Beverly Calaway, Treasurer informed the Lincoln County Treasurer's office mailed 30,531 property tax bills for a total billing of \$29,326,552.46 to the residents and property owners in Lincoln County on October 19, 2015. Ms. Calaway stated NM State Statute required the mailing of tax bills no later than November 1st but commented the earlier mail out date provided tax payers a fifty one day notification of taxes due. Ms. Calaway requested any complaints or questions regarding the tax bills be directed to the County Treasurer's office. Ms. Calaway expressed appreciation to the Manager and Commissioner's for their approval and support for recent security improvements in the Treasurer's office. Ms. Calaway also expressed appreciation to the Office of Emergency Services and the County Sheriff for providing an active shooter training for County employees.

Jack Davis, resident of Vail Loop in Alto reminded of his previous presence at the July and August Commission Meetings to discuss water damage to his property. Mr. Davis expressed appreciation for recent work by the County Road Department to create an earth berm between the County Road and his property to divert water. Mr. Davis expressed belief the berm was sufficient to redirect slow moving water but doubted it would suffice during times of heavy flooding. Mr. Davis expressed a desire to continue to work with the County on the problem.

Heidi Payne, resident of Fort Lone Tree Road north of Capitan requested County assistance with the ongoing noise created by mining operations on a nearby property. Ms. Payne discussed aftershocks from blasting, equipment noise, and water contamination which she attributed to the mining operations. Ms. Payne expressed belief the current operations exceeded the current activities permitted by the State of New Mexico and suggested it was the County's responsibility to monitor the site.

15. "The Preservation of Public Access to Lincoln County Historical Records"
Presentation by – Clerk Rhonda Burrows

Rhonda Burrows, Clerk discussed efforts by the County Clerk's office over the years to preserve historical newspapers and other historical documents belonging to the County of Lincoln. Ms. Burrows reminded NM State Statute required County Clerks to preserve a copy of each edition of any newspaper published within the County. Ms. Burrows explained as a result of this requirement the Lincoln County Clerk's office preserved a collection of both recent and historical newspapers dating back to the 1800's.

Ms. Burrows stated in May of 2014 the County Clerk's office completed a multi-year project to convert copies of the newspapers from microfilm to digital images. Ms. Burrows stated these newspapers were then organized and indexed in order to provide public access through the Lincoln County website. Ms. Burrows noted since posting the newspapers to the County website in May of 2014 approximately 6,500 users had visited the site a total of 8,304 times and viewed

55,650 pages. Ms. Burrows noted records illustrated users from almost every country in the world had visited the site. Ms. Burrows stated in September of 2015 an additional 1400 pages of Lincoln County's most important historical documents were added to the collection viewable through the County's website.

Whitney Whittaker, Chief Deputy Clerk gave a demonstration on how to navigate the website to view the various documents.

14. Lincoln Hills Subdivision: Commission to Consider subdivision owner's amending the Development Agreement deleting a portion of Gene Littler Lane from the north side of Antler to Paso Monte Loop. Carl Bartley

Alan Morel, Attorney stated the request to cease use of a portion of Gene Little Lane was presented by adjacent lot owner Carl Barley and the developers of the Lincoln Hills Subdivision. Mr. Morel stated the portion of Gene Littler Lane in question was created and used during the initial development of the subdivision to avoid the use of existing County roads and was no longer in use. Mr. Morel stated the road was not a dedicated subdivision road and was still owned by the developer Lincoln Hills.

Attorney Morel stated as Gene Littler Lane was not a dedicated County Road, the principal issue for County consideration was the identification of the road as an access route in the Development Agreement and on the approved and recorded plats. Mr. Morel reminded all subdivisions were required to have a minimum of two access and egress points but opined the deletion of this road segment would not negate the availability of the required access routes.

Attorney Morel stated the property owner and developers were in agreement the deleted road portion would not be utilized to create additional lots.

Mr. Bartley stated the property within the roadway would become part of his adjoining property as per agreement with Lincoln Hills.

Attorney Morel stated as the road was a part of the County approved Disclosure Agreement and related subdivision plats the deletion would require amendment to those records.

Commissioner Willard questioned if the road was currently used. Mr. Bartley stated the road was sparsely used by construction workers.

Attorney Morel also suggested the County seek dedication of a small portion of the road previously paved by the County as a right of way.

Commissioner Stewart stated as this was not a County road the primary interest to the County was appropriate public notice, amendment of currently approved and recorded documents and the maintenance of an evacuation route.

Attorney Morel concurred with the need for proper notification to adjacent property owners, supported a request for Lincoln Hills to dedicate 60 feet of road way connecting a County road, and proper notice of the change to the development agreement and subdivision plats. Attorney Morel also recommended the land owner and developer bear any costs associated with notification and changes.

Motion: Grant the Attorney authority to negotiate with Lincoln Hills, Carl Bartley and other interested parties to provide proper public notice and begin the process to close the identified section of Gene Littler Lane, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Chair Stone recessed the Regular Meeting at 10:11:40 AM and reconvened at 10:24:00 AM.

16. Road Department Update

a) Status of Applicants for Road Superintendent Position

Ms. Taylor stated the vacant position of County Road Superintendent was published in various newspapers during the week of October 4, 2015 and six applications were received by the closing date of October 16, 2015. Ms. Taylor anticipated conducting interviews during the week of October 26, 2015.

Ms. Taylor reminded Interim Consulting Road Superintendent Bill Cupit's contract was set to terminate on November 17, 2015. Ms. Taylor stated the current timeline for hiring a new Road Superintendent would not provide enough time for an ideal two week transition overlap from the Interim Superintendent to the newly hired Road Superintendent. Ms. Taylor requested authority to negotiate a continuance of Mr. Cupit's contract to facilitate the transition.

Bill Homer Cupit, Jr, informed he was serving as the Interim Road Superintendent for Lincoln County for the second time. Mr. Cupit stated he was currently focused on the status of employees, equipment, road prioritization, immediate liabilities, budget, multi-agency projects, inventory, and the development of a five year road plan. Mr. Cupit stated development of a five year plan would require a full assessment of all roads in the County and anticipated this would take two years to accomplish.

Chair Stone commented on the increased winter weather activity anticipated this year and expressed concern about the Road Department's ability to respond.

Mr. Cupit agreed the Road Department was not currently prepared to deal with severe long term weather events and suggested the situation might necessitate the utilization of private contractors. Mr. Cupit stated the County should anticipate significant Road Department budget demands to supplement staff and equipment. Mr. Cupit stated the large amount of accumulated vacation time by Road Department employees was also a concern for the new superintendent.

Chair Stone questioned if there was a legal process to secure contract equipment and providers in advance.

Attorney Morel reminded after prior emergencies the County entered into agreements with various contractors to provide services at previously specified rates.

Justin King of King Industries, reminded the contractor rates defined in these agreements were vetted through FEMA to review for "normal rates" acceptable to that organization. Mr. King stated there were approximately five contractors who provided bids for services which were scrutinized against the national average.

Chair Stone questioned the possible budget impact should private contractor services not be reimbursable by FEMA.

Mr. King stated should the County exceed a certain amount of expenditures due to severe winter weather, the Governor could declare an emergency allowing the County to apply for emergency State funding.

Attorney Morel stated current contractor contracts would allow for immediate action but agreed the associated financial costs would need to be considered in the budget.

There was general discussion about current conditions on various County roads including Bonito Road, Gavilan Canyon Road, and the cul-de-sacs in Rancho Ruidoso Valley Estates.

b) FEMA Related Services Recommended Roads for FY 15-16

Commissioner Stewart questioned the advisability of dedicating \$1.6 million of Federal, State and County funds for refurbishing Capitan Gap Road.

Ms. Taylor reminded the Board of Commissioners expressed an interest in participating in the prioritization of FEMA funded road repairs. Ms. Taylor stated she and Mr. Cupit met with Justin King, the County's contracted project manager for FEMA projects, to identify factors for prioritization. Ms. Taylor stated primary factors considered included the timing of Federal and State funds received; the goal of fully completing one project prior to beginning another; the difficulty of repairs, and the location within the County of the various roads.

Justin King, Project Manager reminded total costs were estimated on independent contractor pricing for restoration of roads to pre-disaster conditions. Mr. King stated by fully completing one project the County could seek reimbursement before proceeding to the next project. Mr. King stated all projects were funded by FEMA through the NM Department of Homeland Security and once a project was complete the State would transfer funds for direct payment of contractors. Mr. King stated he and County staff were working to identify various opportunities for the County to provide in kind services to offset the County's required match. Mr. King stated approximately \$750,000 of in kind services were currently identified to offset the entire County match of \$1.2 million dollars.

Ms. Taylor stated she was not recommending approval of prioritization at this time but provided the information for review.

Ms. Taylor supported the concept of allowing the Manager and the Road Superintendent to set initial priorities. Ms. Taylor stated she would present the prioritized list to the Board of Commissioners for final review and adoption.

Mr. Cupit suggested caution when considering projects and to consider whether work performed was sustainable. Mr. Cupit stated plans to attend a meeting in Eddy County regarding similar FEMA road repairs to help understand and determine the best course of action for Lincoln County. Mr. Cupit expressed belief the Road Department was not currently capable of managing additional projects and discussed the use of private contractors as beneficial to maintaining routine County operations.

Motion: Authorize the Manager to extend the duration of Mr. Cupit's contract as Interim Road Superintendent, **Action:** Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Willard.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

18. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims

Scott Annala stated the Legislative Finance Committee would receive the compiled report about County Indigent Health Care funds on October 27, 2015. Mr. Annala estimated counties retained approximately \$30 million in IHC funds last year with an increase of that total to approximately \$31 million this year. Mr. Annala expected the State would look to counties for additional funding of increasing health care costs based on this information.

Commissioner Stewart stated belief the County needed to continue to explore options to spend the IHC funds down for County needs.

Mr. Annala presented the Safety Net Care Provider Pool claims for approval. Mr. Annala processed 15 claims with 15 recommended for approval and none recommended for disapproval for a monthly authorization of \$10,575. Mr. Annala stated approval of the claims would result in a total approval to date of SNCP claims for Fiscal Year 2015-2016 of \$76,758 or a monthly average of \$19,189.

Mr. Annala presented the Indigent Health Care Payments request for the month and stated he processed 9 claims with 6 claims recommended for approval and 3 for disapproval for a total payment this month of \$5,818. Mr. Annala stated approval of the claims would result in a total expenditure to date for IHC claims for Fiscal Year 2015-2016 of \$20,530 or a monthly average of \$5,133. Mr. Annala stated based on the current monthly average he anticipated an annual expenditure of \$61,591 for this fiscal year.

Motion: Approval and denial of the claims as indicated for SCP/SNCP and Indigent Health Care as recommended, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

SEE EXHIBIT B: Copies of the Sole Community Provider and Indigent Health Care Payments are attached hereto in reference thereto made a part hereof.

19. Approval of Memorandum of Understanding between the Village of Ruidoso and the County of Lincoln for the Provision of Regulation Services of Residential and Commercial Construction within certain specified areas of the County of Lincoln

Ms. Taylor reminded during the Special Meeting of September 8, 2015 the County approved a Memorandum of Understanding (MOU) with the Village of Ruidoso for the continuation of building inspections for construction within certain defined areas of the County. Ms. Taylor stated on September 15, 2015 the Village of Ruidoso approved a different version of the MOU and this version was presented for consideration today.

Curt Temple, Planning Director stated the MOU approved by the County contained the original MOU language which required the Village of Ruidoso to provide data documenting costs and revenues.

Ms. Taylor stated the Village Manager expressed a desire for the Commission to approve the MOU with the deletion of the reporting language but offered to resubmit the agreement to the Village Council if the Board of Commissioners were in disagreement.

Mr. Temple described the actions required by County personnel prior to a County resident receiving a permit from the Village. Mr. Temple expressed belief the original intent of the language in question was to provide opportunity for the County to recoup certain costs associated with the permitting process such as the required flood plain certification. Mr. Temple stated at this time the Village of Ruidoso was not tracking expenses associated with County permits separately from those permits issued within the municipality.

Attorney Morel recommended approval of the revised MOU as the County was not currently able to provide the services and the MOU was limited to a one year period.

Motion: Approve the Memorandum of Understanding as revised and approved by the Village of Ruidoso, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

20. Award of Request for Proposals:

a) 15-16-002 Solid Waste Services for Lincoln County

Ms. Taylor reported the bid opening for the RFP was October 7, 2015 with the sole proposal for Solid Waste Services submitted by Sierra Contracting, Inc.

Ms. Taylor stated in conjunction with any action to award the bid, the County needed to consider the purchase of new equipment to facilitate services. Ms. Taylor stated options included obtaining a loan to finance the equipment purchase or utilization of existing County funds.

Commissioner Stewart questioned if the bid proposal included the "dumping" or disposal costs of solid waste collected.

Ms. Taylor clarified the response did not include costs for disposal and the County would pay those fees directly to the landfill.

There was a brief discussion of various costs for services and the associated rates. Ms. Taylor reminded the proposal included the costs for services but the County would need to have a rate hearing to determine final rates to customers.

Motion: Award RFP 15-16-002 to Sierra Contracting, Inc. subject to successful contract negotiations, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Stewart.

Commissioner Stewart questioned when services provided by Greentree Solid Waste Services would terminate.

Ms. Taylor stated Sierra Contracting, Inc. would begin services on January 1, 2016.

Commissioner Willard questioned if the bid proposal included slash pick up and disposal for County residents.

Van Patton, owner of Sierra Contracting explained the contract did not include onsite pickup of slash but provided for slash disposal of up to 10,000 cubic yards when delivered to the Sierra Contracting processing site. Mr. Patton stated the proposal also included disposal of up to 1,000 cubic yards of bulky waste.

Commissioner Willard questioned the status of discussions with the Village of Ruidoso regarding the use of the Village's transfer station by the County contractor.

Ms. Taylor stated discussions with the Village Council were pending but informed Sierra Contracting had developed a temporary solution for transferring waste to the Otero County Landfill in the interim.

There was lengthy discussion regarding services, costs, rates, and commercial account billing.

Chair Stone recessed the Regular Meeting at 12:19:59 PM and reconvened at 12:59:32 PM.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Motion: Authorize the Manager to purchase necessary solid waste equipment for an amount not to exceed \$616,000, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

b) 15-16-003 Independent Contractor Services for Misdemeanor Compliance Program

Ms. Taylor reported the bid opening for the RFP was October 7, 2015 with the sole proposal for Independent Contractor Services for the Misdemeanor Compliance Program submitted by Kenneth Vega.

Motion: Award RFP 15-16-003 to Kenneth Vega, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Sheriff Sheppard stated the contractor was responsible for monitoring individuals on probation for misdemeanor offenses to assure compliance with court ordered conditions of probation.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

21. Manager's Report

- 1. Building Renovation:** The Manager reported major construction efforts and costs tied to renovation of County buildings were complete but reminded the Board of County Commissioners approved \$500,000 in Cap-Out Construction funds to meet other County needs as they arise:
 - a.** During the September meeting the Board of County Commission concurred with the Manager and Treasurer's plans to remodel the Treasurer's customer area to provide safety and security to employees handling public funds. The Manager reported the project was near completion in time for tax payment season.
 - b.** Annex Building – Upstairs: The area assigned to the Finance Department was also near completion with minimal renovation required. County employees have spent the past week or so applying a much-needed coat of paint.
- 2. Building Maintenance:** The Manager reminded of prior budget approval of \$210,000 for Building Maintenance and advised the budget line item held a current balance of approximately \$156,000. The Manager stated the Lincoln County Fairgrounds main building was in dire need of roof repair with a low cost bid of approximately \$20,000. The Manager requested authorization for the critical building maintenance.

There was consensus to proceed with the Fairgrounds roof repair.

- 3. 2016 Capital Outlay Project Request Forms:** Capital Outlay request forms were due to SNMEDD by October 22, 2015. The Manager stated the forms reflected the direction provided during ICIP discussions as listed: 1) Ruidoso Health Center Heating / Cooling Unit; 2) Expand White Oaks Fire Station; 3) Expand Detention Center; 4) Lincoln County Medical Center Renovation; and 5) Three miles – County Road Repaving. The Manager stated hearings were scheduled for November 4, 5, 6, 9 and 10, 2015.

Commissioner Willard questioned who would represent the County at the ICIP meetings.

Manager Taylor stated in recent years she and Commissioner Draper attended on behalf of the County but stated anyone could attend. Manager Taylor stated should multiple Commissioners which to attend she would post proper notice.

4. **Auditor Exit Interview:** Accounting & Consulting Group scheduled an audit exit interview with County representatives on October 29, 2015. The Manager noted the exit interview was normally attended by the Manager's office, Finance Department, Treasurer's Office and one or two Commissioners. The Manager requested all others interested in attending notify the Finance Director.

The Manager reported the Office of the State Auditor released "*The Findings Report: A Summary of New Mexico's Governmental Financial Audits*" in September reporting audit findings for counties across the state. The Manager provided a copy of the report and pointed out Lincoln County was not in the top nor the bottom tiers but would continue to work on repeat issues and strive for improvement. The Manager commented on the challenge of the new billing process for Solid Waste Collections and anticipated the need to enhance process steps.

5. **New Mexico DOT Presentation:** The NM Department of Transportation (DOT) committed for the past several months to providing a presentation to the County Commission and the Town of Carrizozo residents to begin to socialize plans for changes to Highway 54 through Carrizozo. The Manager stated DOT was still working to finalize a contract between the DOT and a consultant, Molzen Corbin, to begin the study and were unable to provide a firm meeting date at this time. The Manager stated the Molzen Corbin project manager would schedule a Stakeholder Kickoff meeting once their contract was executed. The study to be conducted includes: an alignment study; an environmental investigation and a preliminary roadway design.
6. **Requests for Letters of Support to Federal Congressional Delegation:** The Manager provided a request from the National Association of Counties for letters of support to congressional members for a number of issues including: PILT Funding and Technical Fix; Forestry Reform; Sage Grouse Management Plans; and USFS sale of small isolated parcels under 40 acres.

There was a general consensus to authorize the Manager to provide letters of support on behalf of Lincoln County.

7. **El Capitan Mine:** On September 24, 2015 Commissioner Stone, Planning Director Curt Temple and the Manager accompanied US Forest Service staff on a site visit to determine whether the El Capitan Mine was operating on Forest Service land as reported by neighboring land owners. Those present determined operations were occurring on El Capitan Mine's private property. The Manager reported Chris Eustice with NM Department of Mining and Minerals conducted a follow-up inspection of the mine and reported no violations of the current permit.

Commissioner Draper requested the manager schedule a tour of the mine site for Commissioners.

8. Additional calendar items:

- October 19, 2015 – Meet with NMFA and RBC Capital Markets
- October 21– 23, 2015 – Multi-line / Worker's Compensation Pool Boards - Joint Meeting
- October 29, 2015 – Audit Exit Interview
- November 11, 2015 – Groundbreaking Ceremony – Ft. Stanton Veteran's Cemetery
- November 12, 2015 – Leadership Lincoln in County Offices for Overview of County Government
- November 17, 2015 – Regular Commission Meeting

9. Departmental Updates:

- a. **Renee Montes, Senior Services Director** informed flu shots were available at various senior centers in late October. Ms. Montes also stated assistance was available for seniors during the Medicare open enrollment period.
- b. **Curt Temple, Planning Director** informed he conducted two defensive driving courses for County employees and two additional trainings were scheduled in the next month. Mr. Temple stated work was temporarily halted on the new Nogal Fire Station due to some required foundation changes. Mr. Temple anticipated the project would move

forward in the near future. Mr. Temple reported the recent Flood Plain Conference was informative and well attended.

- c. **Joe Kenmore, Office of Emergency Services Director (OES)** hosted an Emergency Managers meeting which was attended by eight various county entity representatives. Mr. Kenmore stated OES utilized the Mobile Command Unit during the recent motorcycle rally and also during the Flood Plain Conference at the Spencer Theater. Mr. Kenmore discussed anticipated rainfall in the near future and informed OES was monitoring the area for flooding.
- d. **Billie Joe Guevara, Administrative Assistant/Human Resources** provided information to County employees regarding the insurance open enrollment period and changes to various benefit programs.
- e. **Punkin Schlarb, Finance Director** reported the finance staff was working on the move to offices upstairs in the Annex building. Ms. Schlarb reported the Finance Department was close to completion of the current audit requirements.

Commissioner Willard questioned the Manager about a recent payment of \$11,000 to La Casa Clinic in Hondo. Commissioner Willard stated he was informed the facility had not been open to provide services.

Commissioner Allen reported the facility was not open due to staffing problems. Commissioner Allen stated the physician, Dr. Nelson, hired to staff La Casa in Hondo was unable to terminate his contract with Lovelace and the facility was left without medical staff for a time. Commissioner Allen stated La Casa hired an interim doctor to start next week and Dr. Nelson would begin providing medical care on January 1, 2016.

Commissioner Willard questioned if the County might receive a refund based on the lack of services.

Ms. Taylor stated she would request a report of number of days of service provided and analyze the financial data prior to the next meeting.

Commissioner Allen stated she had discussed the situation with Seferino Montano, CEO of La Casa and informed him of the Commission's concerns.

22. Approval of County Participation in the Village of Ruidoso Multi-Jurisdictional Hazard Mitigation Plan

Ms. Taylor stated Lincoln County had participated in discussion with the Village of Ruidoso to develop a Multi-Jurisdictional Hazard Mitigation Plan. Ms. Taylor stated other participating entities included the City of Ruidoso Downs, the Town of Carrizozo, the Village of Corona and the Village of Capitan. Ms. Taylor stated the total cost for preparation of the Hazard Mitigation Plan was \$82,948 with participants providing cash or in kind services. Ms. Taylor stated Lincoln County would provide an in kind match of \$6,800.

Motion: Approve Lincoln County's participation in the Multi-Jurisdictional Hazard Mitigation Plan,
Action: Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Joe Kenmore, Office of Emergency Services Director stated the Lincoln County All Hazard Plan was due for renewal and expressed belief participation in the Multi Jurisdiction Plan would assist with that renewal process. Mr. Kenmore anticipated County staff participation would offset the \$6,800 obligation with in kind services.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

23. Non-Metro Area Agency On Aging 2016 Request for Proposal – Resolution 2015-14

Ms. Taylor reminded every four years the Non Metro Area Agency on Aging issued a Request for Proposals (RFP) and required submission of a Four Year Area Plan for senior services provided in the County. Ms. Taylor explained the RFP included services such as congregate meals provided in Senior Centers, home delivered meals, transportation and other services. Ms. Taylor stated the proposed Resolution 2015-14 would authorize the Senior Services Director and County Manager to submit Lincoln County's RFP response.

Commissioner Willard questioned what type of transportation services were covered by the RFP.

Renee Montes, Senior Services Director discussed the transportation options provided and informed the Senior Services Transportation Program was designed to not duplicate services provided by local transit or Mediacab but to fill a gap. Ms. Montes stated transportation was typically provided for medical appointments and services.

Commissioner Stewart commented on the community interest in transportation and discussed the need to educate the public about the actual costs of these services versus reimbursement.

Motion: Adopt Resolution 2015-14, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

SEE EXHIBIT C: Copy of Resolution 2015-14 is attached hereto in reference thereto made a part hereof.

24. Approval of Reclassification of "Assets and Information Clerk" Position

Ms. Taylor stated the recently vacated Assets and Information Clerk position was previously defined as a Grade 26. Ms. Taylor stated upon review of the position duties and responsibilities by the immediate supervisor, Finance Director Punkin Schlarb, a reclassification to Grade 22 was recommended. Ms. Taylor stated subsequently the Compensation Advisory Board considered and approved the request for change in grade level on October 6, 2015.

Motion: Approve the change to the Assets and Information Clerk position to a Grade 22, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Stewart.

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

25. Approval of Prior Year 2014-15 Invoices

Ms. Taylor informed three invoices were recently received for services provided in the prior fiscal year. Ms. Taylor stated services provided were multiple radio spots promoting Lincoln County's Education and Outreach phase of the FEMA Hazard Mitigation Project occurring between September of 2014 and April of 2015. Ms. Taylor stated these ads were conducted in conjunction with various organizations resulting in a late distribution of invoiced costs.

Motion: Authorize payment of the invoices, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Stewart.

Commissioner Draper questioned if the FEMA funding allocated for education and outreach would cover the invoiced costs.

Punkin Schlarb, Finance Director confirmed the FEMA funds would cover the invoiced costs.

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

26. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance:

- a) 2014-08 Personnel Policy
- b) 2015-03 Solid Waste Ordinance
- c) 2009-03 Litter Ordinance

Commissioner Allen requested consideration of a possible exemption for residences which have adjoining "guest structures".

Paul Baca, Assessor stated the Assessor's property tax codes were based on the number of independent structures on a property and the definition of "independent structures" varied with construction type.

Commissioner Allen suggested there were a limited number of properties which were paying two bills with only one full time inhabited residence.

Chair Stone cautioned about granting any exemption which would set a precedent.

Attorney Morel questioned if there was consensus or majority request for drafting of an additional exemption. Attorney Morel suggested since other revisions to the Ordinance were anticipated to reflect service and billing changes, the Board of Commissioners could consider any additional billing exemptions at that time.

Linda Phillips, Solid Waste Billing Clerk expressed belief there were approximately five or six accounts currently billed for multiple residences on one property. Ms. Phillips stated to her knowledge other counties had not provided an exemption for this circumstance.

Motion: Schedule public hearings for the next Regular Meeting to consider the 2014-08 Personnel Policy Ordinance and the 2009-03 Litter Ordinance; postpone scheduling a public hearing for the 2015-03 Solid Waste Ordinance

Action: Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

27. Consideration of Appointments and Removals from Boards/ Commissioners/ Committees:

- a) Land and Natural Resources Advisory Committee-Douglas Fuqua
- b) Lincoln Historic Preservation Board-Melissa Boute
- c) Planning Commission -two vacant
- d) Senior Citizens Olympic Committee - one vacant
- e) Road Task Force - Private Citizen, Road Superintendent, Commissioner

Motion: Reappoint Douglas Fuqua to the Land and Natural Resources Advisory and Reappoint Melissa Boute to Lincoln Historic Preservation Board, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

28. Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).

Motion: To close the meeting for the purposes of an Executive Session to discuss Threatened and/or Pending Litigation pursuant to the Open Meetings Act, Section 10-15-1, Sub Paragraph H.(7) and the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8) and as follows:

New or Updated Matters since last report = *

1. **Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County, et al.* D-1329-CV-2007-01364. Suit filed: October 15, 2007. Verified Complaint for Declaratory Judgment Ordering Production of Certain Records and Information. Hearing took place Dec. 18, 2013, and Stipulated Judgment was entered June 4, 2014 in favor of Ms. Cooper. Ms. Cooper filed an appeal June 10, 2014, and Judge John F. Davis was assigned Aug. 3, 2014. Joint Answer Brief of Defendants-Appellees' Steven Sederwall and Rick Virden with Request for Oral Argument filed in the Court of Appeals Sept. 28, 2015.

2. *Greentree Solid Waste Authority v. Lincoln County* D-1226-CV-2014-00095. Suit filed May 1, 2014. Verified Petition for Declaratory and Supplemental Relief: Injunction. County was served May 14, 2014. Mr. Paul Melendres has been retained by the County. Hearing on All Pending Motions took place Nov. 20 before Judge Ritter, who found Mr. Beauvais had a conflict of interest and was disqualified from representing GSWA. GSWA has retained Robert Doughty as new counsel Dec. 13, 2014. GSWA filed its Withdrawal of Plaintiff's Original and First Amended Verified Emergency Motion Seeking Further Relief on Plaintiff's Request for Preliminary Injunction Concerning Rate at which County Will Bill May 7, 2015. Lincoln County filed its Motion to Continue its Motion for Sanctions May 8, 2015 and the Order of Continuance was filed May 11, 2015.

3. **Greentree Solid Waste Authority v. Lincoln County, et. al.* D-0101-CV-2013-00104. Suit filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent Injunction.

Mr. Beauvais filed an appeal Feb. 27, 2014. Ruling on Reconsidering Stay denied by Judge Singleton June 11, 2014. GSWA's Brief in Chief filed Sept. 9, 2014. Record Proper was filed Sept. 25, 2014. Alto Lakes Water and Sanitation District's and Lincoln County's Joint Response Brief was filed with the Court of Appeals Oct. 24, 2014. GSWA filed its Reply Brief Dec. 1, 2014. The case has been submitted to a panel of judges for decision and the County received Notice of Submission from the Court of Appeals Jan. 2, 2015. Mr. Beauvais' Attorney Charging Lien was filed April 29, 2015. Court of Appeals filed their Opinion October 1, 2015 upholding the District Court's granting of Summary Judgment in favor of the County and Alto Lakes Water and Sanitation District.

4. *Water Rights Protests: New Mexico State Engineer Hearing Numbers: 14-039 and 14-041.* Protests of Applications 01300-1, 01300-2, 01300-3, 0826-2 into 0275 *et. al.* and H-272 *et al* (T) and H-50-1 into H-272 *et. al.* (T) filed July 15, 2013 pertaining to movement / transfer of water rights from the Hondo Valley to the Village of Ruidoso and the City of Ruidoso Downs. Docketing Order filed Sept. 18, 2014. Kelly Cassels/Sanders, Bruin, Coll & Worley, P.A. has been retained by the County, entered his appearance Sept. 22, 2014 and has responded in behalf of the County.

5. *Wesmax, Ltd. V. Paul Baca, Lincoln County Assessor D-1226-CV-2014-00188* Appeal of the Final Order from Lincoln County Valuation Protest Board. Appeal filed Oct. 8, 2014. Case assigned to Basham & Basham/Dwyer. Record of Appeal and Transcript of Proceedings was filed Oct. 23, 2014.

6. **Edward Rider/Brennon Moorhead v. The Board of County Commissioners, Brack Rains, Matt Christian, Robert Shepperd D 1226 CV 2015-00103* Complaint for Damages and Summons received June 15, 2015. Removed to Federal Court July 7, 2015. Order Granting Defendants' Motion to Dismiss filed Oct. 7, 2015.

7. **A. Preston, DeAnna v. County of Lincoln, Sheriff Robert Shepperd D-1226-CV-2015-00112* Notice of Appeal of Post Disciplinary Hearing filed June 10, 2015. Filed Amended Complaint alleging Civil Rights Violation and Gender Based Discrimination on Oct. 13, 2015.

B. *Preston, DeAnna: Notice of Charge of Discrimination* submitted to the U.S. Equal Employment Opportunity Commission July 21, 2015. Mediation scheduled for Oct. 29, 2015.

8. **Valle del Sol v. Naron, et. al. D-1226-CV-2015-00166* Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage upon Real Property filed Sept. 24, 2015.

Tort Claims Notices Received or Threatened

2015

Cherry, Doris – Tort Claim Notice posted in Lincoln County News Jan. 1, 2015 stating possible Civil Rights Violation lawsuits regarding alleged Americans with Disabilities Act non-compliance in remodeling the Lincoln County Courthouse buildings.

McDaniel, Carl – Tort Claim Notice received Jan. 23, 2015 from Attorney John Sugg alleging violation of the Unfair Trade Practices Act and engaging in unfair or deceptive trade practices and/or unconscionable trade practices by GSWA.

UNM Hospital-Prins, Chad – Tort Claim Notice received Feb. 26, 2015 in which UNM Hospital seeks reimbursement of expenses incurred while Lincoln County Detention Center inmate Prins was on furlough.

Sehorn, Sean M. – Tort claim Notice received March 2, 2015 from Attorney Gary Mitchell alleging Lincoln County Detention Center failed to provide adequate medical treatment during inmate Sehorn's incarceration.

Lavin, Erica L. and Rathgeber, Jack – Tort Claim Notice received March 2, 2015 from Attorney Gary Mitchell alleging Constitutional Rights were violated resulting in wrongful termination.

Hanley, Constance – Tort Claim Notice received March 20, 2015 from Attorney John Sugg alleging violations of 42 USC section 1983, malicious prosecution, failure to investigate, defamation of character, libel and abuse of process.

Capitan Iron Mine through A. Blair Dunn – Threatened Litigation on April 1, 2015 against the County of Lincoln should Lincoln County require Capitan Iron Mine comply with Lincoln County Mine Ordinance 2009-01.

Chavez, Billy – **Ordinance Violation: 2009-03 Regulating Refuse, Solid Waste and Litter in the County.** March 10, 2015 certified letter mailed to Mr. Chavez giving him 30 days to dispose of debris on his property at 142 White Cat Road, San Patricio (Section 26, Township-10S, Range 16E, tract of land lying in the NE 4SE4). April 10, 2015 the property was inspected and noted no progress had been made.

Michael Barela and Jude Renney v. Brack Rains, Lincoln County Sheriff's Deputy, Lincoln County Sheriff Robert Shepperd, and the County of Lincoln – Tort Claim Notice received May 4, 2015 from Attorney Manuel Garcia/Hakanson Firm, alleging violation of defendants' 4th Amendment rights.

Culp, Susan v. LCMC/Lincoln County: Tort Claim Notice received May 4, 2015 from Attorney Katherine Channing Roehl/Roehl Law Firm alleging medical malpractice, negligent supervision, negligent credentialing by staff, administrators and doctors at LCMC on or about March 3, 2015 during Ms. Culp's gall bladder removal surgery.

Reyes, Roberto – Tort Claim Notice received May 15, 2015 from Attorney Timothy White/Valdez White Law Firm alleging illegal seizure, illegal search, illegal imprisonment and wrongful conduct of the Lincoln County Sheriff's Department.

Torres, Leopoldo: Tort Claim Notice received June 4, 2015 from inmate Torres alleging inmate-initiated attack on inmate Torres at Lincoln County Detention Center.

Wallace, Stephen: Tort Claim Notice received June 11, 2015 from Attorney Gary Mitchell alleging deprivation of Constitutional rights due to false incarceration at Lincoln County Detention Center without proceeding with a timely extradition.

Rodriguez, Victor – Tort Claim Notice received July 13, 2015 from Attorney W. Chris Nedbalek alleging hostile treatment from fellow employees while employed at Lincoln County Detention Center.

Turner, Bill – Tort Claim Notice received July 13, 2015 from Attorney W. Chris Nedbalek alleging exposure to unsanitary conditions at Lincoln County Detention Center.

Prudencio, Fabian and Corinne – Tort Claim Notice received July 24, 2015 from Attorney Daniel P. Ulibarri alleging negligence, personal injury, spoliation, indemnification and property damage against the County of Lincoln.

Yates, Barbara – Verbal Threat against the County issued July 21, 2015 due to ongoing flooding at her private property.

Davis, Jack and Rema – Verbal Threat against the County issued July 21, 2015 due to ongoing flooding at their private property.

***Capitan Iron Mine** – Tort Claim Notice received Sept. 24, 2014 via email from A. Blair Dunn, alleging County trespass on private property.

***Estate of Viola/Oriando Montes** – Tort Claim Notice received Sept. 28, 2015 from Attorney J. Robert Beauvais alleging vender was allowed onto Lincoln County Fairgrounds without necessary safety equipment.

2014

Ramos, Aaron – Tort Claim Notice received from Mr. Ramos March 18, 2014 alleging his rights were violated during incarceration at Lincoln County Detention Center. Mr. Ramos alleges damages by not being granted detainee to detainee correspondence.

Millerden, Kenneth and Anita – Tort Claim Notice received May 9, 2014 from Attorney Victor F. Poulos alleging negligence from staff at Lincoln County Medical Center during prepartum care for their infant son.

Ogden, John D – Tort Claim Notice received May 26, 2014 alleging mistreatment while incarcerated at Lincoln County Detention Center on March 11, 2014.

Rounds, Christopher – Tort Claim Notice received June 4, 2014 alleging being held in Lincoln County Detention Center without being advised of his charges.

Herbert, Crystal – Tort Claim Notice received June 23, 2014 from Attorney Matthew Coyte/Coyte Law alleging false imprisonment, due process violations, unlawful detention of a minor, emotional distress.

Class Action – Tort Claim Notice received June 23, 2014 from Attorney Ryan Villa/Cooper Law Firm alleging false imprisonment, false arrest, deprivation of rights at Lincoln County Detention Center that arise with Immigration and Customs Enforcement charges.

Atwell, Stacey – Tort Claim Notice received June 25, 2014 alleging unlawful seizure of her two minor children during a request for a deputy to assist in keeping the peace.

McGarry, Sean – Tort Claim Notice received July 25, 2014 from Attorney S. Doug Jones Witt alleging wrongful arrest, false imprisonment, malicious prosecution, intentional or negligent infliction of emotional distress, abuse of process, wrongful termination and retaliatory discharge regarding discharge from the Capitan Police Department.

Ramos, Aaron – Tort Claim Notice received August 7, 2014 alleging lack of Due Process for inmates at Lincoln County Detention Center.

Lambert, David and Bonnie - Tort Claim Notice received Sept. 8, 2014 from Attorney W. Chris Nedbalek alleging damage to Lambert property due to Mr. Rodney Bunsen using his own equipment to alter a platted County right of way without the authorization or knowledge of the County.

Rider, Edward Allen and Moorhead, Brennon – Tort Claim Notice received Oct. 20, 2014 by Attorney W. Chris Nedbalek alleging Lincoln County Narcotics Enforcement Unit officers destroyed items in a home.

Caughron, Brittany and Anderson, Amie – Tort Claim Notice received Oct. 24, 2014 by Attorney W. Chris Nedbalek alleging overcrowding of Lincoln County Detention Center as a violation of 8th Amendment Rights.

Ryen, Allen- Tort Claim Notice received Oct. 27, 2014 by Attorney W. Chris Nedbalek alleging Mr. Ryen was exposed to unsanitary conditions at Lincoln County Detention Center.

Inmate Group – Tort Claim Notice received Oct. 27, 2014 by Attorney W. Chris Nedbalek alleging overcrowding and unsanitary conditions at Lincoln County Detention Center.

McMurray, Cody – Tort Claim Notice received Nov. 6, 2014 by Attorney W. Chris Nedbalek alleging lack of adequate medical care at Lincoln County Detention Center.

Caughron, Brittany and Anderson, Amie – Tort Claim Notice received Nov. 14, 2014

by attorney W. Chris Nedbalek alleging inadequate medical care and overcrowding at Lincoln County Detention Center.

Inmate Group – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging overcrowding and unsanitary conditions at Lincoln County Detention Center.

Long, Cameron – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging mistreatment by an Officer with Adult Probation and Parole.

McClarnon, Brian – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging violations of U.S. Constitutional Amendment rights.

Diana Martwick, 12th Judicial District Attorney – Tort Claim Notice received Nov. 25, 2014 alleging lack of adequate office space provided by the County of Lincoln.

Inmate Group – Tort Claim Notice received Dec. Dec. 22, 2014 by attorney W. Chris Nedbalek alleging inmates were mistreated at Lincoln County Detention Center.

2013

Harrisburg Documents- Attempts to recover Lincoln County documents illegally taken from the county. County Clerk Rhonda Burrows has been in contact with Harrisburg, PA in recovery efforts.

Action: Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Chair Stone recessed the Regular Meeting and convened the Closed Session at 2:17:16 PM.

Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 4:16:44 PM.

Commissioner Stewart attested that matters discussed in the closed meeting were limited to those specified in the motion for closure or in the notice of separate closed meeting.

29. Potential Action-Re: GSWA Litigation

Attorney Morel informed no action was recommended at this time.

30. Renewal of County Manager Contract-Terminates November 7, 2015

Attorney Morel presented the contract with additional language providing prior approval for scheduled leave in December. Attorney Morel stated the only other consideration was any proposed increase in salary.

Motion: Renew the County Manager contract under existing parameters with inclusion of the additional scheduled leave language, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

31. Signing of Official Documents

32. Next meetings:

November 17, 2015 - Regular Commission Meeting

33. Adjourn

There being no further business to come before the Board of County Commissioners, Chair Stone adjourned the meeting at 4:20:20 PM.

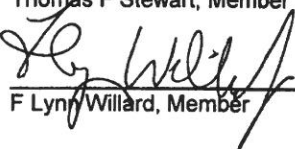
County of Lincoln
Board of County Commissioners

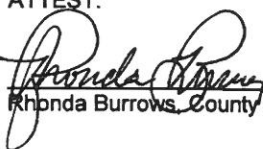

Preston Stone, Chair


Dallas Draper, Vice Chair


Elaine Allen, Member


Thomas F Stewart, Member


F Lynn Willard, Member

ATTEST:

Rhonda Burrows, County Clerk

November 17, 2015
Date Approved

